

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 8 and 9 have been canceled. Claims 1-7, 10-32, and 37-70 are pending, of which claims 1, 10-13, 20, 45, and 55-58 have been amended.

Applicant's amendments and remarks after Final are appropriate under 37 C.F.R. §1.116 because they address the Office's remarks in the Final Action, and thus could not have been presented earlier. In addition, the amendments and remarks should be entered to place the case in better form for appeal.

Comments Relating to Brothers

Brothers (U.S. Patent Application Publication No. 2002/0083178) is cited to reject claims 9-19, 25-32, 37-44, and 55-70, as either a sole anticipating reference under 35 U.S.C. §102(e), or as a primary or secondary reference under §103(a). However, Applicant respectfully submits that the record does not establish Brothers as prior art under §102(e) for at least the reasons set forth below. On at least this basis, Applicant requests reconsideration and withdrawal of all §102 and §103 claim rejections based in whole or in part on Brothers.

The subject application was filed December 27, 2000. Brothers does not qualify as a §102(b) reference because it was published after the filing date of the subject application. Further, Brothers was filed as a non-provisional application on August 3, 2001, which is after the December 17, 2000 filing date of the subject application. Thus, Brothers does not qualify as a §102(e) reference based on its non-provisional filing date alone. However, Brothers claims priority to a related

1 provisional application (Serial No. 60/224,907) filed August 11, 2000. Brothers'
2 priority claim does not necessarily mean that Brothers qualifies as prior art under
3 §102(e) against the subject application. Rather, Brothers qualifies as a §102(e)
4 reference only if the non-provisional application can "relate back" to the
5 provisional filing date of August 11, 2000.

6 The MPEP provides that a published U.S. patent application is entitled to
7 the filing date of a provisional patent application if the provisional application
8 properly supports the subject matter relied upon to make the rejection (MPEP
9 §2136.03, Section III). Thus, Brothers may be entitled to the provisional filing
10 date of August 11, 2000 only if the record establishes that the provisional
11 application properly supports the subject matter being relied upon by the Office to
12 reject claims 9-19, 25-32, 37-44, and 55-70.

13 Conversely, if the provisional application does not support the subject
14 matter being relied upon by the Office to reject the claims, then Brothers cannot
15 relate-back to its provisional filing and does not qualify as §102(e) prior art.
16 Neither the record nor Brothers establishes whether Brothers' provisional
17 application supports the subject matter being relied upon by the Office.
18 Accordingly, Application respectfully submits that the record does not now
19 establish that Brothers is entitled to relate back to the provisional filing date of
20 August 11, 2000. Essentially, the issue is not what subject matter Brothers
21 contains, but is instead when Brothers came to contain it. As such, Brothers does
22 not quality as a §102(e) prior art reference against claims 9-19, 25-32, 37-44, and
23 55-70, and Applicant respectfully requests that any §102 and §103 rejections
24 based in whole or in part on Brothers be withdrawn.
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35 U.S.C. §102 Claim Rejections

Claims 1-8, 20-24, and 45-54 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,415,280 to Farber et al. (*Office Action* p.5). Claim 8 has been canceled. Applicant respectfully traverses the rejection of the remaining claims.

Claims 14-19 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0083178 to Brothers (*Office Action* p.15). Applicant respectfully traverses the rejection.

Claim 1 is amended to include the feature(s) of claim 8 (now canceled) and recites "a security component to determine whether the replica resource will pose a security risk", and "the security component being configured to determine whether the request will pose a security risk".

The Office cites Farber for teaching that the security component is configured to determine whether the request will pose a security risk (*Office Action* p.9; *Farber* col.34, lines 48-50). Applicant disagrees because the cited section of Farber, when read in the context presented by Farber, only describes that data items in the system can be verified and have their integrity checked. A data item in Farber is referenced by a data identity (i.e., a True Name), and this can be used to verify that data retrieved from another location is the desired and requested data (*Farber* col.34, lines 42-50). The cited section of Farber does not show or disclose that a security component is configured to determine whether a request will pose a security risk, as recited in claim 1.

1 Accordingly, claim 1 along with dependent claims 2-7 are allowable over
2 Farber for at least these reasons and Applicant respectfully requests that the §102
3 rejection be withdrawn.

4
5 Additionally, claim 1 is amended to include the feature(s) of claim 9 (now
6 canceled) and recites that a request for a replica resource designates a resource
7 locator. The Office recognizes Farber does not teach that the request designates a
8 resource locator (*Office Action* p.18). Thus, the Office cites Brothers for this
9 feature, but as described above with reference to the Brothers publication, unless
10 the record establishes that Brothers' provisional application supports this teaching,
11 Brothers is not prior art against the subject application under §102(e).

12 Accordingly, claim 1 would also be allowable over a Farber-Brothers
13 combination because the record does not establish that Brothers is available as a
14 secondary reference for a §103 rejection.

15
16 Claim 20 recites "a server component in a network server to receive a
17 request for a resource maintained on the network server, the request designating a
18 resource locator having a resource path that identifies a location of the resource".

19 As described above in the response to the rejection of claim 1, the Office
20 recognizes Farber does not teach that the request designates a resource locator and
21 thus, cites Brothers for this feature. However, Brothers has not been established as
22 prior art against claim 20. Accordingly, claim 20 along with dependent claims
23 21-24 are allowable over Farber and/or Brothers and the §102 rejection should be
24 withdrawn.
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2 Claim 45 recites "receiving a request for a replica resource stored on a
3 computing device, the request designating a resource locator having a resource
4 path identifying a location of the replica resource".

5 As described above in the response to the rejection of claim 1, the Office
6 recognizes Farber does not teach the request designating a resource locator and
7 thus, cites Brothers for this feature. However, the record does not establish that
8 Brothers would be prior art under §102(e), or that Brothers is available as a
9 secondary reference under §103. Accordingly, claim 45 along with dependent
10 claims 46-54 are allowable over Farber and/or Brothers and the §102 rejection
11 should be withdrawn.

12
13 Claim 14 recites "a security component that is registerable with the server
14 component during run-time to determine whether the request will pose a security
15 risk to the network server, the request posing the security risk if the resource has
16 been corrupted and if execution of the resource will compromise the network
17 server."

18 Brothers does not show or disclose a security component to determine
19 whether a request will pose a security risk if the resource has been corrupted and if
20 execution of the resource will compromise the network server, as recited in
21 claim 14. The Office states that Brothers discloses validating whether a request
22 for a resource can be authorized, noting that a security risk is interpreted as
23 "permit an unauthorized access to the resource" (*Office Action* pp.4, 15; *Brothers*
24 ¶109, lines 10-27). Brothers is directed to whether a user is authorized to access a
25

1 resource *Brothers* ¶109, lines 18-19). The cited section of *Brothers* does not
2 describe or disclose that a request poses a security risk if the resource has been
3 corrupted and if execution of the resource compromises a network server, as
4 recited in claim 14.

5 Accordingly, claim 14 along with dependent claims 15-19 are allowable
6 over *Brothers* for at least these reasons and Applicant respectfully requests that the
7 §102 rejection be withdrawn.

8 35 U.S.C. §103 Claim Rejections

9 Claims 9-13 and 55-60 are rejected under 35 U.S.C. §103(a) for
10 obviousness over Farber in view of *Brothers* (*Office Action* p.18). Claim 9 has
11 been canceled. Applicant respectfully traverses the rejection of the remaining
12 claims.

13 Claims 10-13 are allowable by virtue of their dependency upon claim 1
14 which is allowable over Farber for at least the reasons described above in response
15 to the §102 rejection of claim 1. Claims 10-13 are also allowable over the
16 Farber-*Brothers* combination because *Brothers* does not address the deficiencies of
17 Farber as described above in the response to the rejection of claim 1. Accordingly,
18 the §103 rejection of claims 10-13 should be withdrawn.

19 Claims 55-60 are allowable by virtue of their dependency upon claim 45
20 (either directly or indirectly) which is allowable over Farber for at least the
21 reasons described above in response to the §102 rejection of claim 45. Claims
22 55-60 are also allowable over the Farber-*Brothers* combination because *Brothers*
23 does not address the deficiencies of Farber as described above in the response to
24

1 the rejection of claim 1. Accordingly, the §103 rejection of claims 55-60 should
2 be withdrawn.

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4 Claims 25-32, 37-44, and 61-70 are rejected under 35 U.S.C. §103(a) for
5 obviousness over Brothers in view of Farber (*Office Action* p.22). Applicant
6 respectfully traverses the rejection.

7 As described above with reference to the Brothers publication, unless the
8 record establishes that Brothers' provisional application supports the rejection of
9 claims 25-32, 37-44, and 61-70, Brothers is not prior art against the subject
10 application under §102(e). Accordingly, claims 25-32, 37-44, and 61-70 are
11 allowable over the Brothers-Farber combination because the record does not
12 establish that Brothers is available as a §103 reference. On this basis, Applicant
13 respectfully requests that the §103 rejection be withdrawn.

14
15 **Conclusion**

16 Pending claims 1-7, 10-32, and 37-70 are in condition for allowance.
17 Applicant respectfully requests reconsideration and issuance of the subject
18 application. If any issues remain that preclude issuance of this application, the
19 Examiner is urged to contact the undersigned attorney before issuing a subsequent
20 Action.

21 Respectfully Submitted,

22
23 Dated: March 4, 2005

24 By: 

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